

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)

Plaintiff,)

vs.)

CIVIL ACTION NUMBER:2:06cv717-1D

CAROL THORN; JOLEEN LEEA)

COLON; DALE EUGENE)

KIRKINDOLL; ELIZABETH S.)

KIRKINDOLL; THOMAS HOLT)

KIRKINDOLL; JAMES W. GRIFFIN)

SANDRA L. GRIFFIN; PATRICK A.)

BELT; CHRISTOPHER B. BELT;)

GENE STEGMAIER; ESTATE OF)

WILLIAM R. KLAUSS, a deceased)

minor; ESTATE OF CHERETY THORN))

a deceased minor; LV STABLER)

MEMORIAL HOSPITAL; BRPT LAKE))

REHABILITATION CENTER; BUTLER))

COUNTY EMERGENCY MEDICAL)

SERVICES;)

Defendants.)

Motion to Dismiss Interpleader Defendant

Comes now the plaintiff, Progressive American Insurance Company (“Progressive”), and requests the clerk of court to dismiss defendant BRPT Lake Rehabilitation Center from this interpleader action. In support of the motion, Progressive shows unto the court as follows:

1. BRPT Lake Rehabilitation Center was added as a defendant in this action because it provided medical treatment of benefits to individuals involved in the accident that made the basis of this lawsuit.

2. BRPT Lake Rehabilitation has been served with the interpleader complaint. The attorney for this defendant has confirmed that it is not seeking any recovery for medical treatment or benefits provided to the individuals involved in this accident.

/s/ R. Larry Bradford
R. Larry Bradford, Attorney for
Progressive American Insurance Company
Attorney Bar Code: BRA039

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 13th day of July 2007, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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